

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION  
: NO. 12-236  
v. :  
:   
TIMOTHY McGEE :  
:

ORDER

AND NOW, this 12th day of September, 2012, upon consideration of the Motion to Dismiss Count One of the Indictment (Document No. 15), the government's response, the government's sur-reply to the supplemental memorandum of the defendant, and after oral argument, it is **ORDERED** that the motion is **DENIED**.

/s/Timothy J. Savage  
TIMOTHY J. SAVAGE, J.